



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 2, 2015

BY ECF AND HAND DELIVERY

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street, Suite 1320
New York, New York 10007

**Re: *United States v. Daniel Bonventre, et al.*
 No. S10 10 Cr. 228 (LTS)**

***United States v. All Right, Title & Interest in the Real Property and
Appurtenances Located at 167 Legion Place, et al.*
No. 09 Civ. 9455 (LTS) (GWG)**

***United States v. Joann Crupi, et al.*
No. 10 Civ. 4857 (LTS) (GWG)**

***United States v. All Funds on Deposit in Account Nos. 94660869,
9948199297, 8007487, 9115606297, 9116151903 and 9931127481 in the
Names of Annette Bongiorno and/or Rudy Bongiorno, et al.*
No. 10 Civ. 4858 (LTS) (JCF)**

Dear Judge Swain:

We write to respectfully request that the March 4, 2015 conference scheduled in the criminal case and the above-referenced civil forfeiture actions be adjourned for 45 days to allow the parties to attempt to consensually resolve or narrow the procedural and substantive issues involved in these cases. Counsel for all of the defendants and claimants except for Daniel Bonventre consent to this request.¹

The conference, which was initially scheduled for January 26, 2015, has been adjourned for 30 days to allow further discussions to narrow or remove the issues related to the ensuing stages of forfeiture (ECF No. 1268), and for 6 more days to accommodate counsel's schedule (ECF No. 1282). Since the initially scheduled conference date, the Government has been

¹ Counsel for Bonventre has advised that he opposes this request for an adjournment and intends to write the Court a letter tonight or tomorrow morning setting forth the reasons for his opposition.

engaged in further discussions with counsel for each of the defendants in the criminal case. As to each of the defendants (and their families as potential third-party claimants) the Government has either received or conveyed a proposal that would settle the outstanding disputed issues before this Court, and in the cases of many defendants the parties have been exchanging and reviewing additional factual information. The discussions are in different stages, and the Government believes that resolution may be near as to certain defendants, but may require substantial additional time with respect to others. In addition to the number of parties and the complexity of certain of the factual and legal issues involving the forfeitures, some defendants have expressed interest in pursuing a settlement that would also involve the bankruptcy trustee, which will likely require additional time to explore.

The Government accordingly believes that a 45-day adjournment would likely be productive as to those defendants with whom a settlement is feasible. Additionally, different defense counsel have expressed different views as to the appropriate sequencing of the remaining stages of forfeiture proceedings,² and accordingly the requested adjournment may narrow or remove any disputes as to the scheduling of future proceedings even if not all of the parties ultimately reach settlements with the Government.

Accordingly, in light of the volume and complexity of the forfeiture issues involved in this cases, the Government respectfully requests that the conference currently scheduled for March 4, 2015 be adjourned for approximately 45 days to a date convenient to the Court. Thank you for your consideration.

Respectfully,

/s/ Paul M. Monteleoni
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cc: BY ECF

All defense counsel

² As noted in the Government's letter of January 17, 2015, the Government believes that there are several additional stages to the forfeiture proceedings, including conforming amendments to the preliminary orders of forfeiture ordered at sentencing, forfeiture of substitute assets, adjudication of third-party interests in offense property and substitute assets, and discovery, motions and trial in the civil forfeiture cases.